

REMARKS

INTRODUCTION:

In accordance with the foregoing, the claims have been retained in their present form. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-3, 7-10, 12-15 and 18-23 are pending and under consideration. Reconsideration is respectfully requested.

ENTRY OF RESPONSE UNDER 37 C.F.R. §1.116:

Applicants request entry of this Rule 116 Response and Request for Reconsideration because:

the submission of the terminal disclaimer, as suggested by the Examiner, resolves the Double Patenting issue, and no further rejections remain.

The Manual of Patent Examining Procedures sets forth in §714.12 that "[a]ny amendment that would place the case either in condition for allowance or in better form for appeal may be entered." (Underlining added for emphasis) Moreover, §714.13 sets forth that "[t]he Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

DOUBLE PATENTING:

A. In the Office Action, at page 2, numbered paragraph 3, claims 1, 9, 15, 18, 19, 20, 21, 22 and 23 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 7, 13, 23 and 24 of copending Application No. 10/677,334.

Since copending Application No. 10/677,334 has been allowed, a terminal disclaimer is being submitted herewith to overcome the rejection based on the judicially created doctrine of obviousness-type double patenting because allowed copending Application No. 10/677,334 is commonly owned with the present application by SAMSUNG ELECTRONICS CO. LTD. (see details in Terminal Disclaimer enclosed herein).

Hence, claims 1, 9, 15, 18, 19, 20, 21, 22 and 23 are now submitted to be allowable.

B. In the Office Action, at page 3, numbered paragraph 4, claims 7, 8, 10 and 12-14 were provisionally rejected under the judicially created doctrine of obviousness-type double

patenting as being unpatentable over claims 1-17 of copending Application No. 10/677,334 in view of Frohbieter (USPNs 4,732,009 and 4,732,014-hereinafter, collectively, Frohbieter).

It is respectfully submitted that claims 1 and 9 are now in allowable form, as indicated by the submission of the terminal disclaimer herein with respect to Application Serial No. 10/677,334 and the Examiner's response in part A above indicating that the only remaining rejection of claims 1, 9, 15, 18, 19, 20, 21, 22 and 23 of the instant application is the provisional rejection under the judicially created doctrine of obviousness-type double patenting over claims 7, 13, 23 and 24 of copending Application No. 10/677,334, and that, if a terminal disclaimer is filed, the provisional rejection would be overcome.

Since claims 7, 8, 10 and 12-14 depend from claims 1 and 9, respectively, it is respectfully submitted that claims 7, 8, 10 and 12-14 are allowable for at least the reasons that claims 1 and 9 are allowable.

Since copending Application No. 10/677,334 has been allowed, a terminal disclaimer is being submitted herewith to overcome the rejection as being unpatentable over claims 1-17 of copending Application No. 10/677,334 based on the judicially created doctrine of obviousness-type double patenting in view of Frohbieter (USPNs 4,732,009 and 4,732,014) because allowed copending Application No. 10/677,334 is commonly owned with the present application by SAMSUNG ELECTRONICS CO. LTD. (see details in Terminal Disclaimer enclosed herein).

Hence, claims 7, 8, 10 and 12-14 are now submitted to be allowable.

ALLOWABLE SUBJECT MATTER:

Claims 2 and 3 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants thank the Examiner for his careful review and determination that claims 2 and 3 would be allowable if suitably rewritten.

However, since independent claim 1 is submitted to be in allowable form, it is respectfully submitted that claims 2 and 3, which depend therefrom, are also in allowable form.

CONCLUSION:

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited. At a minimum, this Amendment should be entered

at least for purposes of Appeal as it either clarifies and/or narrows the issues for consideration by the Board.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited and possibly concluded by the Examiner contacting the undersigned attorney for a telephone interview to discuss any such remaining issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: February 22, 2006 By: Darleen J. Stockley
Darleen J. Stockley
Registration No. 34,257

1201 New York Avenue, N.W.
Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501